

### REMARKS

The Examiner rejected claims 1, 11 and 21 under 35 U.S.C. §102(b) as being anticipated by Saaski. The Examiner rejected claims 3 and 13 under 35 U.S.C. §103(a) as being unpatentable over Saaski in view of Nun. The Examiner rejected claims 4 and 14 under 35 U.S.C. §103(a) as being unpatentable over Saaski in view of Cochran. The Examiner rejected claims 6 and 16 under 35 U.S.C. §103(a) as being unpatentable over Anis in view of Saaski. The Examiner rejected claims 8 and 18 under 35 U.S.C. §103(a) as being unpatentable over Anis in view of Saaski and in further view of Nun. The Examiner rejected claims 9 and 19 under 35 U.S.C. §103(a) as being unpatentable over Anis in view of Saaski and in further view of Cochran. The claims have been amended to recite a flow restrictor with an effective length of at least eight feet that creates a non-linear relationships between variations in pressure and flow rate. This limitation is discussed on page 9 of the specification. This limitation is not found in Saaski or any of the other cited references.

As stated on column 42, lines 64 and 65 of Saaski the channel has a length of about one centimeter. This is significantly smaller than an effective length of at least eight feet. An effective length of at least eight feet is required to create the non-linear relationship between pressure and flow rate in typical medical aspiration systems, particularly ophthalmic systems. Neither Saaski nor any of the other cited references disclose a flow restrictor with an effective length of at least eight feet to create a non-linear relationship between variations in pressure and flow. For this reason the Applicant submits that Saaski neither anticipates, nor renders obvious in combination with the other references, the claims of the above entitled application.

In view of the above it is submitted that the claims are in condition for allowance.

Reconsideration of the rejections is requested. Allowance of claims 1, 3, 4, 6, 8, 9, 11, 13, 14, 16, 18, 19 and 21 at an early date is solicited.

Respectfully submitted,  
IRELL & MANELLA LLP

Dated: December 9, 2004

  
\_\_\_\_\_  
Ben Yorks  
Reg. No. 33,609

840 Newport Center Drive  
Suite 400  
Newport Beach, CA 92660  
Telephone: (949) 760-0991

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the U.S. Mail, First Class, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, on December 9, 2004.

  
\_\_\_\_\_  
Catherine M. Sanders

12-9-04  
Date